IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

WP(C).No. 29762 of 2007(R)

PETITIONER:

P.AKBER ALI, S/O.P.MUHAMMED,
AGED 41 YEARS, DAYA MANZIL,
EDAVANNA P.O., MALAPPURAM DISTRICT.

BY ADV. SRI.SAKIR.K.H.

RESPONDENTS:

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1. THE MAMPAD GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY.

2. THE DISTRICT COLLECTOR,
MALAPPURAM, CHAIRMAN,
THE RIVER MANAGEMENT COMMITTEE,
MALAPPURAM.

3. STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, TRIVANDRUM.

BY G.P. SRI.K.J.MUHAMMED ANZAR
BY ADV. SRI.T.K.HARIKUMAR
SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/12/2007, ALONG WITH W.P.(C) 29761/2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) Nos.29761 & 29762/2007

Dated this the 17th day of December , 2007

JUDGMENT

The learned counsel for the petitioners has not been able to produce any materials for substantiating his claim that the Advertisement in question was published in newspapers circulated within the limits of the Panchayat. However, since there is no dispute regarding the petitioners' grievance that it was without hearing them that Ext.P5 order was passed by the District Collector. Ext.P5 will stand quashed on that ground alone.

I quash Ext.P5 and direct the District Collector to pass fresh orders as directed above. The fresh order will be passed in accordance with law, after hearing the petitioners and anybody else concerned at the earliest, and at any rate within one month of receiving a copy of this judgment.

PIUS C. KURIAKOSE,
JUDGE.

dpk